



NORFOLK

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April 14, 2015

R-13

To the Honorable Council
City of Norfolk, Virginia

Re: Ordinance to Amend Norfolk City Code Section 38-106
and Repeal Section 38-107

Dear Ladies and Gentlemen:

Attached please find an ordinance amending Norfolk City Code Section 38-106 eliminating sectarian provisions concerning yard or garage sales, and repealing Section 38-107 prohibiting yard sales before 12:00 noon on Sundays. The revisions are intended to bring the City Code's yard sale provisions into compliance with contemporary case law interpreting the Establishment of Religion and Free Exercise of Religion clauses of the First Amendment.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be "B. Pishko", with a long horizontal stroke extending to the right.

Bernard A. Pishko
City Attorney

Recommendation: Adopt Ordinance

Form and Correctness Approved:

By

Office of the City Attorney

Contents Approved:

By

DEPT. City Attorney

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN SECTION 38-106 AND REPEAL SECTION 38-107 OF THE NORFOLK CITY CODE, 1979, **SO AS TO** ELIMINATE SECTARIAN PROVISIONS CONCERNING YARD OR GARAGE SALES.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 38-106 of the Norfolk City Code, 1979, is hereby amended and reordained in its entirety to read as follows:

Sec. 38-106. Exemptions from article.

Periodic yard or garage sales held exclusively on the grounds of any place of worship, are exempt from the requirements of this article.

Section 2:- That the Norfolk City Code, 1979, is hereby amended and reordained by repealing Section 38-107 prohibiting yard sales before 12:00 noon on Sundays.

Section 3:- That this ordinance shall be in effect from and after its adoption.